

Larry W. Lee (State Bar No. 228175)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for PLAINTIFF

(Additional Plaintiff's Counsel on Next Page)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

MARY BINNS, individually and on behalf of
all others similarly situated,

Plaintiff,

vs.

BROSNAN RISK CONSULTANTS, LTD, a
New York corporation; BROSNAN RISK
WEST COAST, a California corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 21STCV36970

**FIRST AMENDED REPRESENTATIVE
COMPLAINT FOR DAMAGES FOR:**

**VIOLATION OF LABOR CODE § 2698,
ET SEQ.
DEMAND OVER \$25,000**

1 WILLIAM L. MARDER, ESQ. (CBN 170131)
2 **Polaris Law Group LLP**
3 501 San Benito Street, Suite 200
4 Hollister, CA 95023
5 Tel: (831) 531-4214
6 Fax: (831) 634-0333

7 Dennis S. Hyun (State Bar No. 224240)
8 HYUN LEGAL, APC
9 515 S. Figueroa St., Suite 1250
10 Los Angeles, California 90071
11 (213) 488-6555
12 (213) 488-6554 facsimile

13 Edward W. Choi, Esq. SBN 211334
14 LAW OFFICES OF CHOI & ASSOCIATES
15 515 S. Figueroa St., Suite 1250
16 Los Angeles, CA 90071
17 Telephone: (213) 381-1515
18 Facsimile: (213) 465-4885
19 Email: edward.choi@choiandassociates.com
20
21
22
23
24
25
26
27
28

1 Plaintiff Mary Binns (“Plaintiff”), hereby submits this First Amended Complaint against
2 Defendants Brosnan Risk Consultants, LTD, a New York corporation, Brosnan Risk West Coast, a
3 California corporation, and Does 1-50 (hereinafter collectively referred to as “Defendants”), as a proxy
4 for the State of California and on behalf of all other similarly situated current and former aggrieved
5 employees of Defendants for penalties for failure to provide accurate, itemized wage statements, failure
6 to pay all minimum and overtime wages for hours worked, failure to reimburse business expenses, as
7 follows:

8 **JURISDICTION AND VENUE**

9 1. This action is within the Court’s jurisdiction under California Labor Code §§ 201-204,
10 226, 510, 558, 1194, 1197, 1197.1, and 2802, the California Industrial Welfare Commission’s (“IWC”)
11 Wage Orders, and the Private Attorneys General Act (the “PAGA”), Labor Code § 2698, *et seq.* As
12 alleged herein, Plaintiff has exhausted her administrative remedies to proceed under the PAGA.

13 2. This Complaint challenges systemic illegal employment practices resulting in violations
14 of the California Labor Code and Business and Professions Code against employees of Defendants.

15 3. Venue is proper in Los Angeles County because Plaintiff is a resident of this County and
16 worked for Defendant in this County.

17 **PARTIES**

18 4. In or about July 2021, Plaintiff began working for Defendants as an hourly, non-exempt
19 security guard. On or about September 24, 2021, Plaintiff’s employment ended. Plaintiff was and is the
20 victim of the policies, practices, and customs of Defendants complained of in this action in ways that
21 have deprived Plaintiff of the rights guaranteed by California Labor Code §§ 201-204, 226, 510, 558,
22 1194, 1197, 1197.1, and 2802 and the applicable IWC Wage Orders, and the UCL.

23 5. Plaintiff is informed and believes and based thereon alleges that Defendants are New
24 York and/or California corporations doing business in the State of California providing security services.

25 6. Plaintiff is informed and believes and based thereon alleges that at all times herein
26 mentioned Defendant and DOES 1 through 50 are and were business entities, individuals, and
27 partnerships, licensed to do business and actually doing business in the State of California.

28 7. As such, and based upon all the facts and circumstances incident to Defendants’ business
in California, Defendants are subject to California Labor Code §§ 201-204, 226, 510, 558, 1194, 1197,

1 1197.1, and 2802, the IWC Wage Orders and the UCL.

2 8. Plaintiff does not know the true names or capacities, whether individual, partner or
3 corporate, of the Defendants sued herein as DOES 1 through 50, inclusive, and for that reason, said
4 Defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this complaint
5 when the true names and capacities are known. Plaintiff is informed and believes and based thereon
6 alleges that each of said fictitious Defendants were responsible in some way for the matters alleged
7 herein and proximately caused Plaintiff and aggrieved employees to be subject to the illegal employment
8 practices, wrongs and injuries complained of herein.

9 9. At all times herein mentioned, each of said Defendants participated in the doing of the
10 acts hereinafter alleged to have been done by the named Defendants; and furthermore, the Defendants,
11 and each of them, were the agents, servants and employees of each of the other Defendants, as well as
12 the agents of all Defendants, and at all times herein mentioned, were acting within the course and scope
13 of said agency and employment.

14 10. Plaintiff is informed and believes and based thereon alleges that at all times material
15 hereto, each of the Defendants named herein was the agent, employee, alter ego and/or joint venturer of,
16 or working in concert with each of the other co-defendants and was acting within the course and scope
17 of such agency, employment, joint venture, or concerted activity. To the extent said acts, conduct, and
18 omissions were perpetrated by certain Defendants, each of the remaining Defendants confirmed and
19 ratified said acts, conduct, and omissions of the acting Defendants.

20 11. At all times herein mentioned, Defendants, and each of them, were members of, and
21 engaged in, a joint venture, partnership and common enterprise, and acting within the course and scope
22 of, and in pursuance of, said joint venture, partnership and common enterprise.

23 12. At all times herein mentioned, the acts and omissions of various Defendants, and each of
24 them, concurred and contributed to the various acts and omissions of each and all of the other
25 Defendants in proximately causing the violations as herein alleged. At all times herein mentioned,
26 Defendants, and each of them, ratified each and every act or omission complained of herein. At all
27 times herein mentioned, the Defendants, and each of them, aided and abetted the acts and omissions of
28 each and all of the other Defendants in proximately causing the violations as herein alleged.

1 **FIRST CAUSE OF ACTION**

2 **VIOLATION OF LABOR CODE § 2698, *ET SEQ.***

3 **(BY PLAINTIFF AS PROXY FOR THE STATE OF CALIFORNIA AGAINST ALL**
4 **DEFENDANTS)**

5 13. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as though
6 fully set for herein.

7 14. Plaintiff brings this cause of action as a proxy for the State of California and in this
8 capacity, seeks penalties on behalf of all Aggrieved Employees for Defendant's violation of Labor Code
9 §§ 201-204, 510, 558, 1194, 1197, 1197.1, and 2802, from October 6, 2020, through the present.
10 Specifically, Defendant failed to pay wages, including minimum, regular, and overtime wages, to
11 Plaintiff and similarly situated aggrieved employees for all time spent maintaining their work uniforms.
12 Defendant violated these provisions as Plaintiff and aggrieved employees were required to maintain and
13 clean their work uniforms without the payment of any wages for the time spent cleaning and maintaining
14 their uniforms. Further as a result of such violations, the Company violated Labor Code §§ 201-203 by
15 not paying employees all of their wages upon separation of employment due to the underpaid wages and
16 Labor Code § 226(a) as the net/gross wages earned and total hours worked shown on the wage
17 statements were inaccurate due to the wage violations set forth above. Defendant also Labor Code §
18 2802 for failing to reimburse Plaintiff and other similarly situated aggrieved employees for work-related
19 expenses, including without limitation, for the costs associated with the cleaning and maintenance of
20 their work uniforms. Plaintiff and aggrieved employees were not reimbursed for the costs of the cleaning
21 and maintenance of such uniforms

22 15. On or about October 6, 2021, Plaintiff sent written notice to the California Labor &
23 Workforce Development Agency ("LWDA") and to Defendants regarding Defendant's violations of
24 Labor Code §§ 201-204, 510, 558, 1194, 1197, 1197.1, and 2802, pursuant to Labor Code § 2698, *et*
seq.

25 16. As of the date of the filing of this Complaint, the LWDA has not provided written notice
26 as to whether it intends to investigate the Labor Code violations set forth in Plaintiff's written notice
27 and, thus, allowing Plaintiff to proceed under PAGA against Defendants for said violations. Therefore,
28 Plaintiff may seek all applicable penalties under the PAGA.

1 17. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all
2 applicable remedies under the PAGA for Defendant's violation of Labor Code §§ 201-204, 226, 510,
3 and 1194 for the time periods described above on behalf of all other Aggrieved Employees, including
4 without limitation, civil penalties under Labor Code § 2699, any remedies under Labor Code §§ 226.3,
5 for costs and attorneys' fees.

6
7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff prays for judgment as an individual and on behalf of all others that this
9 suit is brought against Defendants, jointly and severally, as follows:

10 1. Upon the First Cause of Action, for penalties pursuant to statute as set forth in California
11 Labor Code §§ 226.3 and 2699, and for costs and attorneys' fees;

12 2. On all causes of action, for attorneys' fees and costs as provided by California Labor
13 Code § 2699, and Code of Civil Procedure § 1021.5; and

14 3. For such other and further relief as the Court may deem just and proper.

15 DATED: March 14, 2022

DIVERSITY LAW GROUP, P.C.

16 By: 

Larry W. Lee

17 Attorneys for PLAINTIFF
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of Los Angeles; I am over the age of 18 years and not a party to the within action; my business address is 515 S. Figueroa St. Suite 1250, Los Angeles, California 90071.

On March 14, 2022, I served the foregoing document(s) described as: **FIRST AMENDED REPRESENTATIVE COMPLAINT FOR DAMAGES**, on the interested parties in this action by placing a true copy thereof, in a sealed envelope(s) addressed as follows:

LINH T. HUA
lhua@grsm.com
ASHLEYN. BATISTE
abatiste@grsm.com
GORDON REES SCULLY MANSUKHANI, LLP
633 West Fifth Street, 52nd floor
Los Angeles, CA 90071

Larry W. Lee
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
lwlee@diversitylaw.com
olympia@diversitylaw.com
linda@diversitylaw.com
erika@diversitylaw.com
calendar@diversitylaw.com

William L. Marder
POLARIS LAW GROUP
501 San Benito Street, Suite 200
Hollister, CA 95023
bill@polarislawgroup.com

Dennis S. Hyun
HYUN LEGAL, APC
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
dhyun@hyunlegal.com

 X

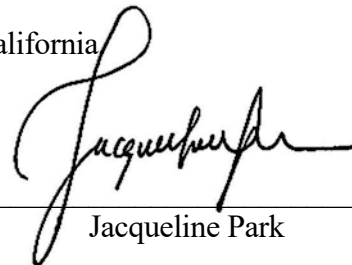
BY ELECTRONIC SERVICE

 X I caused such document to be uploaded to OneLegal to be served on the offices of the addressees.

 X (State) I declare under penalty of perjury that the foregoing is true and correct.

 (Federal) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 14, 2022, at Los Angeles, California



Jacqueline Park